IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 1719 of 2002

Between:

Mohd Wali Pasha S/o. Sameeuddin
R/o. Dammapeta Village & Mandal, Khammam District.

..... PETITIONER

AND

1 State Election Commission of A.P. Rep by its Secretary,
M.G.Road, Secunderabad.
2 District Collector & Election Authority
Khammam District, Khammam.
3 Election Officer,
Gram Panchayat, Dammapeta,
Khammam District.
4 District Panchayat Officer,
Khammam DIstrict, Khammam.
5 Dammapeta Gram Panchayat Rep by Panchayat Secretary,
Dammapeta Village & Mandal, Khammam District.
6 Attuluti Venkatarama Rao, S/o. Venkataiah
R/o. Dammapeta Village & Mandal, Khammam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ declaring that the action of the respondents in conducting election to the office of sarpanch and members of the 5th respondent Gram Panchayat on 4-12-2001 before the expiry of the term of office of the elected committee, is arbitrary and unconstitutional and consequently direct respondent 1 to 4 to conduct election to the office of Sarpanch and members of the 5the respondent Gram Panchayat afresh on the basis of the voters list of 2001.

Counsel for the Petitioner:MR.V.VENKATARAMANA

Counsel for the Respondent Nos.1 to 4: GP FOR PANCHAYAT RAJ & RURAL DEV.

Counsel for Respondent Nos.5 and 6: None appeared.

The Court made the following :

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.1719 OF 2002

ORDER:

The petitioner is a resident of Dammapeta Gram Panchayat in Khammam District. The elections to the said Gram Panchayat were held on 14.12.1997 and the term of the elected body expires on 28.2.2002. First respondent issued a notification dt.16.11.2001 calling upon the registered voters in Gram Panchayats for which ordinary elections could not be held and for such of those Gram Panchayats whose term of office expires in three months to elect Members/Sarpanches of their Gram Panchayats and notified election programme. As per the election programme, elections for casual vacancies are to be held on 2.12.2001. The petitioner contends that as the elected body has term of five years upto 28.2.2002, the issue of notification by first respondent is illegal and unconstitutional.

The Writ Petition was admitted by this Court on 22.3.2002, but no interim orders are passed. A counter affidavit is filed by District Panchayat Officer *inter alia* stating that elected Sarpanch and Members of Gram Panchayat will enjoy full five year term from the date of first meeting of the Gram Panchayat i.e., from 14.2.1997 to 13.2.2002 and that there is no contravention in issuing election notification. Be that as it is, even according to the petitioner, the term of the elected body expired on 28.2.2002 and therefore nothing survives in the Writ Petition.

The Writ Petition is therefore dismissed as infructuous. No costs.

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(V.V.S.RAO, J)

8.9.2004

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To

1 Secretary, State Election Commission of A.P.,
M.G.Road, Secunderabad.
2 District Collector & Election Authority
Khammam District, Khammam.
3 Election Officer,
Gram Panchayat, Dammapeta,
Khammam District.
4 District Panchayat Officer,
Khammam DIstrict, Khammam.
5 Panchayat Secretary, Dammapeta Gram Panchayat,
Dammapeta Village & Mandal, Khammam District.
6 2 CCs to G.P. for Panchayat Raj, High Court Bldgs., Hyderabad (OUT).

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